

OFFICE OF JUDGES' EXPEDITED ADJUDICATION



The Office of Judges understands that persons who protest a claim decision want a prompt resolution of their appeal. However, that desire to have a speedy resolution must be balanced against the need to have enough time to obtain and file all evidence necessary to win the appeal. We attempt to resolve our cases as quickly as possible without denying either side a reasonable opportunity to present their evidence.

The Office of Judges now offers an optional fast-track resolution of certain types of protests. That option is currently available only for claimants (injured workers) and only for three types of protests:

- denied claim application;
- denied treatment request;
- denied initial temporary total disability benefits.

The legal rules controlling this fast-track process are found in our Procedural Rule, 93 CSR 1, Section 9 (available on our website). A summary of the important points follows:

- The option is only available to the claimant.
- The option is only available for three types of protests:
 - Denied claim application
 - Denied treatment request
 - Denied initial temporary total disability (TTD)
- The option must be made in writing to the Office of Judges within 15 days of date of "Acknowledgement of Protest".

- Electing the option shortens the Time Frame (deadline) allowed to obtain and file evidence.
- A hearing will be automatically scheduled, but in only three locations:
 - Charleston
 - Beckley
 - Fairmont
- The hearing date also serves as the new Time Frame (evidence deadline).
- Parties are not required to attend hearing and may submit evidence in writing before hearing.
- The hearing will not be postponed except by:
 - Agreement of both claimant and employer, or
 - Upon showing of “most compelling of good cause”
- The hearing is strictly limited in time: each side gets only 15 minutes to make their case.
- A decision will be made by the judge within 30 days of hearing.

Before selecting this option, you should carefully consider the problems created. Workers’ Compensation issues are often very complex. Many times a claim administrator did not have sufficient information available to approve the claim or the request. In those situations, the claimant is going to have to get more information and file it with the judge in order to win the appeal. By selecting this fast-track option, you have limited the amount of time that you have to obtain and file your evidence. Therefore, you may get a decision sooner, but may have not given yourself enough time to submit evidence necessary to make it a decision in your favor.